



# *Journal of the Senate*

*State of Indiana*

*114th General Assembly*

*First Regular Session*

**Nineteenth Meeting Day**

**Monday Afternoon**

**February 14, 2005**

The Senate convened at 1:33 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

Prayer was offered by Pastor Kris Vos, Crossroads Community Church, Schererville, the guest of Senator Dorothy S. "Sue" Landske.

The Pledge of Allegiance to the Flag was led by Senator Landske.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker <input type="checkbox"/>
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume <input type="checkbox"/>	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R. <input type="checkbox"/>
Lewis	Zakas

Roll Call 116: present 47; excused 3. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## **INTRODUCTION OF BILLS**

The following bills and resolutions were read a first time by title and referred to the respective committees:

### **HB 1004 — Kenley (Tax and Fiscal Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

### **HB 1029 — Kruse, Craycraft, Drozda (Rules and Legislative Procedure)**

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

### **HB 1032 — Heinold, Hershman (Energy and Environmental Affairs)**

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

### **HB 1033 — Gard, Heinold (Energy and Environmental Affairs)**

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

### **HB 1039 — Bray, Heinold, Broden (Corrections, Criminal, and Civil Matters)**

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

### **HB 1051 — M. Young (Pensions and Labor)**

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

### **HB 1056 — Weatherwax, Jackman, Sipes (Health and Provider Services)**

A BILL FOR AN ACT to amend the Indiana Code concerning health.

### **HB 1057 — Wyss (Homeland Security, Utilities, and Public Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

### **HB 1069 — M. Young, Server, Miller, Clark (Health and Provider Services)**

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

### **HB 1075 — Miller, Simpson, Paul (Health and Provider Services)**

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

### **HB 1078 — Weatherwax (Natural Resources)**

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

### **HB 1080 — Server, Lutz (Homeland Security, Utilities, and Public Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

### **HB 1083 — Alting, Kenley, Simpson (Tax and Fiscal Policy)**

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning taxation.

**HB 1085** — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

**HB 1097** — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1098** — Dillon, Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1105** — Nugent, Paul, Lewis, R. Young (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1112** — Long, Lanane (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**HB 1113** — Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1120** — Kenley (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1129** — Zakas, Clark, Antich-Carr (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1130** — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**HB 1137** — Ford (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1141** — Harrison, Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1142** — Kenley (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

**HB 1153** — Zakas, Antich-Carr (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

**HB 1159** — Zakas, Dillon, Heinold (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

**HB 1165** — Long, Broden (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning

business and other associations.

**HB 1179** — Paul, Lewis (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

**HB 1182** — Dillon, Ford (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1183** — Dillon (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1198** — Kenley, Rogers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1200** — Lawson, Harrison (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

**HB 1211** — Jackman, Server (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1219** — Paul, Lanane, Landske, Wyss (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1230** — Server, Lewis, Clark (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1240** — Miller, Server (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1248** — Bray, Skinner, Dillon (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1262** — Bray, Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

**HB 1263** — Long, Wyss, Zakas, Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1268** — Ford, Lewis, Alting, R. Young (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

**HB 1288** — Kenley, Landske, Antich-Carr, Bowser (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1302** — Jackman, Heinold (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

**HB 1306** — Server, Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1320** — Miller, Server, Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1325** — Server, Riegsecker (Health and Provider Services)

A BILL FOR AN ACT concerning human services and to make an appropriation.

**HB 1326** — Server, Simpson (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning human services .

**HB 1329** — Server, Lutz (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT concerning state offices and administration.

**HB 1335** — Kruse (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1346** — Harrison, Craycraft (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1357** — Dillon, Smith, Miller (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1358** — Miller, Rogers, Dillon (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**HB 1375** — Paul, Lewis, Alting, Rogers (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1402** — Waterman (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1431** — Weatherwax, Meeks, Hershman, Lewis (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

**HB 1590** — Long, Wyss, Howard (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1593** — Heinold, Dillon, Lutz (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

**HB 1629** — Dillon, Rogers, Mrvan (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1662** — Miller, Breaux (Health and Provider Services)

A BILL FOR AN ACT concerning health.

**HB 1673** — Ford (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1794** — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HJR 4** — Steele, Weatherwax, Nugent, Bray, Jackman (Judiciary)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning the bill of rights.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 482, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LAWSON, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 414, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 21, after "2005," insert "**the amount specified by the calculation associated with one (1) of the following descriptions that characterizes the number of businesses in the NAICS industry sector to which the applicant's business belongs:**

- (i) If there is more than one (1) business in the same NAICS industry sector in the county in which the applicant's business is located, determine the average compensation paid during that same period to all employees working in the same NAICS industry sector in the county in which the applicant's business is located multiplied by one hundred five percent (105%).
- (ii) If the applicant's business is the only business in the same NAICS industry sector in the county in which the applicant's business is located but there is more than

one (1) business in the same NAICS industry sector in Indiana, determine the average compensation paid during that same period to all employees working in the NAICS industry sector throughout Indiana multiplied by one hundred five percent (105%).

(iii) If the applicant's business is the only business in the same NAICS industry sector in Indiana, determine the compensation for that same period corresponding to the federal minimum wage multiplied by two hundred percent (200%)."

Page 2, delete lines 22 through 25.

Page 3, line 17, strike "shall" and insert "may".

Page 3, line 28, delete "to all employees working in the same NAICS industry" and insert "in the case of an application submitted after December 31, 2005:

(i) to all employees working in the same NAICS industry sector in the county in which the applicant's business is located, if there is more than one (1) business in the same NAICS industry sector in the county in which the applicant's business is located;

(ii) to all employees working in the same NAICS industry sector in Indiana in which the applicant's business is located, if the applicant's business is the only business in the same NAICS industry sector in the county in which the applicant's business is located but there is more than one (1) business in the same NAICS industry sector in Indiana; or

(iii) to all employees working in the same county as the county in which the applicant's business is located, if there is no other business in Indiana in the same NAICS industry sector."

Page 3, delete lines 29 through 31.

Page 3, line 39, strike "shall" and insert "may".

(Reference is to SB 414 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 634, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 23, delete "refers to the insurance commissioner" and insert "means the chief insurance regulatory official of a state, including a commissioner, a superintendent, a director, or an administrator."

Page 2, delete line 24.

Page 2, delete lines 31 through 32.

Page 2, line 33, delete "(h)" and insert "(g)".

Page 2, line 35, delete "(i)" and insert "(h)".

Page 2, line 38, delete "(j)" and insert "(i)".

Page 2, line 39, delete "A commissioner's designee must be an employee of the".

Page 2, delete line 40.

Page 2, line 41, delete "(k)" and insert "(j)".

Page 3, line 1, delete "(l)" and insert "(k)".

Page 3, line 3, delete "(m)" and insert "(l)".

Page 3, line 6, delete "(n)" and insert "(m)".

Page 3, line 8, delete "(o)" and insert "(n)".

Page 3, line 15, delete "(p)" and insert "(o)".

Page 3, line 18, delete "is designed to implement or interpret law or prescribe".

Page 3, line 19, delete "policy or that" and insert "has the full force and effect of law in the compacting states and:

(1) is designed to implement or interpret law or prescribe policy; or

(2)".

Page 3, line 21, delete "(q)" and insert "(p)".

Page 3, line 23, delete "(r)" and insert "(q)".

Page 3, line 25, delete "(s)" and insert "(r)".

Page 3, delete lines 34 through 35.

Page 4, delete lines 10 through 11.

Page 4, line 12, delete "(d)" and insert "(c)".

Page 4, line 14, delete "(e)" and insert "(d)".

Page 4, line 18, after "which" insert "shall have the force and effect of law and".

Page 4, line 24, after "which" insert "shall have the force and effect of law and".

Page 5, line 2, after "approval" insert "shall have the force and effect of law and".

Page 5, line 18, after "section" insert "shall have the force and effect of law and".

Page 5, line 25, after "which" insert "shall have the force and effect of law and".

Page 9, line 34, after "committee." insert "The commission shall establish two (2) advisory committees, one (1) of which shall comprise consumer representatives independent of the insurance industry and the other of which shall comprise insurance industry representatives."

Page 11, line 9, delete "invalid." and insert "invalid and has no force and effect."

Page 12, line 27, delete "is not".

Page 12, line 28, delete "binding" and insert "shall have no further force and effect".

Page 15, line 34, delete "may" and insert "shall".

Page 19, line 1, after "compact is" insert "null and".

Page 19, delete line 42.

Page 20, delete lines 1 through 8, begin a new paragraph and insert:

"(d) Any provision of this compact that violates the Constitution of the State of Indiana is ineffective in Indiana."

(Reference is to SB 634 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and

Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed Senate Bill 94.

Page 4, line 28, after "officer" delete "of the".

(Reference is to ESB 94 as reprinted February 11, 2005.)

GARTON

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 59, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 34-23-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 11, 2001 (RETROACTIVE)]: Sec. 1. (a) As used in this section, "child" means an unmarried individual without dependents who is:

- (1) less than twenty (20) years of age; ~~or~~
- (2) less than twenty-three (23) years of age and is enrolled in an institution of higher education or in a vocational school or program **or is engaged in military service; or**
- (3) is a military veteran less than twenty-seven (27) years of age and is enrolled in an institution of higher education or vocational school following active military service.**

(b) An action may be maintained under this section against the person whose wrongful act or omission caused the injury or death of a child. The action may be maintained by:

- (1) the father and mother jointly, or either of them by naming the other parent as a codefendant to answer as to his or her interest;
- (2) in case of divorce or dissolution of marriage, the person to whom custody of the child was awarded; and
- (3) a guardian, for the injury or death of a protected person.

(c) In case of death of the person to whom custody of a child was awarded, a personal representative shall be appointed to maintain the action for the injury or death of the child.

(d) In an action brought by a guardian for an injury to a protected person, the damages inure to the benefit of the protected person.

(e) In an action to recover for the death of a child, the plaintiff may recover damages:

- (1) for the loss of the child's services;
- (2) for the loss of the child's love and companionship; and
- (3) to pay the expenses of:
  - (A) health care and hospitalization necessitated by the wrongful act or omission that caused the child's death;
  - (B) the child's funeral and burial;
  - (C) the reasonable expense of psychiatric and psychological counseling incurred by a surviving parent or minor sibling of the child that is required because of the death of the child;

- (D) uninsured debts of the child, including debts for which a parent is obligated on behalf of the child; and
- (E) the administration of the child's estate, including reasonable attorney's fees.

(f) Damages may be awarded under this section only with respect to the period of time from the death of the child until:

(1) the date that the child would have reached:

- (A) twenty (20) years of age; ~~or~~
- (B) twenty-three (23) years of age, if the child was enrolled in an institution of higher education or in a vocational school or ~~program; or~~ **program or is engaged in military service; or**
- (C) twenty-seven (27) years of age, if the child was a military veteran and was enrolled in an institution of higher education or vocational school following active military service; or**

(2) the date of the child's last surviving parent's death; whichever first occurs.

(g) Damages may be awarded under subsection (e)(2) only with respect to the period of time from the death of the child until the date of the child's last surviving parent's death.

(h) Damages awarded under subsection (e)(1), (e)(2), (e)(3)(C), and (e)(3)(D) inure to the benefit of:

- (1) the father and mother jointly if both parents had custody of the child;
- (2) the custodial parent, or custodial grandparent, and the noncustodial parent of the deceased child as apportioned by the court according to their respective losses; or
- (3) a custodial grandparent of the child if the child was not survived by a parent entitled to benefit under this section.

However, a parent or grandparent who abandoned a deceased child while the child was alive is not entitled to any recovery under this chapter.

SECTION 2. [EFFECTIVE UPON PASSAGE]: **IC 34-23-2-1, as amended by this act, applies to causes of action accruing after September 10, 2001.**

SECTION 3. **An emergency is declared for this act.**

(Reference is to SB 59 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal and Civil Matters.

GARTON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 170, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-46-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The

department shall use money in the fund to:

- (1) establish a program; or
- (2) provide grants to programs;

to provide free human leukocyte antigen (HLA) testing, which is administered to place an individual on a national bone marrow donor registry and provide free testing to place an individual on a national human organ donor registry.

**(b) The program described in subsection (a) shall include a provision that requires a person that performs a human leukocyte antigen (HLA) test to:**

- (1) ask the individual who is being tested at the time of testing whether the individual would like to be placed on a national bone marrow donor registry; and**
- (2) place the individual's name and any necessary information on a national bone marrow donor registry if the individual states that the individual would like to be included on the registry.**

(Reference is to SB 170 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

GARTON, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 30

Senate Concurrent Resolution 30, introduced by Senator Landske:

A CONCURRENT RESOLUTION honoring the 75th anniversary of the Cub Scouts, Webelos Scouts and Tiger Cubs.

*Whereas, The Boy Scouts of America were formed in 1910 and proved to be such a success that the Boy Scouts desired to extend the programs to younger children;*

*Whereas, The Cub Scouts, Webelos Scouts and Tiger Scouts (the "Scouts") were formed in 1930 to provide programs similar to that of the Boy Scouts of America to children below the age of 12 years;*

*Whereas, The Scouts currently have nearly two million members, along with over a half million adult volunteers, which make up over 50,000 packs; and*

*Whereas, Since their inception, over 57 million boys have been involved in the Scouts: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors the Cub Scouts, Webelos Scouts and Tiger Cubs for their 75th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ida Becker, 310 East 7th Street, Fowler, Indiana 47944.

The resolution was read in full and adopted by voice vote. The

Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Ayres.

### Senate Resolution 13

Senate Resolution 13, introduced by Senator Meeks:

A SENATE RESOLUTION honoring the life of former Indiana State Senator Dale Barrett.

*Whereas, Dale Barrett was an Indiana State Senator from 1958 to 1962;*

*Whereas, Mr. Barrett has worked in many facets of politics including organizing the Whitley County Young Democrats in 1957 and serving as the organization's first president, as well as serving as a precinct committeeman, town chairman and delegate to the state convention;*

*Whereas, As a member of the United States Navy, Mr. Barrett served during World War II and spent 30 months aboard the U.S.S. Breton in the South Pacific, taking part in five major campaigns. Following his active duty service, Mr. Barrett continued in the military reserves for 4 years;*

*Whereas, Mr. Barrett was a member of Angola American Legion Post No. 31 and was a past commander of Churubusco American Legion Post No. 157;*

*Whereas, Mr. Barrett was a loving husband to Margaret Wise Barrett, whom he married on September 28, 1946, and a proud father of 6 children, 16 grandchildren and 4 great-grand children: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate hereby honors the life of Dale Barrett and recognizes his many accomplishments and his service to the State of Indiana and the United States of America.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Margaret Wise Barrett.

The resolution was read in full and adopted by standing vote.

### Senate Concurrent Resolution 12

Senator Landske called up Senate Concurrent Resolution 12 for second reading. The resolution was read a second time by title and adopted by voice. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Hinkle, Ruppel, and Bischoff.

## SENATE BILLS ON SECOND READING

### Senate Bill 139

Senator Meeks called up Senate Bill 139 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 373**

Senator Bray called up Senate Bill 373 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 32**

Senator Zakas called up Senate Bill 32 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 303**

Senator Clark called up Senate Bill 303 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 571**

Senator Simpson called up Senate Bill 571 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 233**

Senator Drozda called up Senate Bill 233 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 1**

Senator Ford called up Senate Bill 1 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 538**

Senator Gard called up Senate Bill 538 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 538-2)

Madam President: I move that Senate Bill 538 be amended to read as follows:

Page 4, line 8, delete "the department of environmental".

Page 4, line 9, delete "management,".

Page 4, line 19, after "department," delete "the".

Page 4, line 20, delete "department of environmental management,".

(Reference is to SB 538 as printed February 4, 2005.)

GARD

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 259**

Senator Landske called up Senate Bill 259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 493**

Senator Ford called up Senate Bill 493 for second reading. The

bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 267**

Senator Jackman called up Senate Bill 267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 213**

Senator M. Young called up Senate Bill 213 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 89**

Senator Jackman called up Senate Bill 89 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 603**

Senator Landske called up Senate Bill 603 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## RESOLUTIONS ON FIRST READING

**House Concurrent Resolution 12**

House Concurrent Resolution 12, sponsored by Senator Jackman:

A CONCURRENT RESOLUTION to honor and congratulate the Waldron High School boys 2004 state basketball championship team.

*Whereas, Waldron is a high school located in Shelby County;*

*Whereas, Under the leadership of Head coach, Jason Delaney, this team became the 9th team in Indiana history to go undefeated during a season;*

*Whereas, Brian Fehribach is the principal of Waldron High School and Michael Moore is the athletic director and both are to be commended for their leadership;*

*Whereas, The team's 27 wins totals the most by a Class A team in Indiana history;*

*Whereas, The extraordinary season-long performance of the Barnard twins caught the imagination of Shelby County and the entire state;*

*Whereas, Waldron High School secured their Sectional win when they beat Southwestern (Shelbyville) 62 to 49;*

*Whereas, Waldron High School won a hard fought game over Henryville by a score of 61 to 55 for the Regional win;*

*Whereas, Waldron High School won the Seymour Semi-State by*

*beating White River Valley by a score of 82 to 76;*

*Whereas, Waldron High School defeated Fort Wayne Blackhawk Christian, 69 to 54, on March 27, 2004 to secure the state championship;*

*Whereas, The players and coaches earned the state basketball title through many hours of hard work and practice; and*

*Whereas, The entire Waldron community, Shelby County, and Waldron High School rallied around the team during their state championship run: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the House of Representatives of the General Assembly, the Senate concurring do honor and congratulate the Waldron High School boys' 2004 state basketball championship team.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Jason Delaney and Michael Stamper.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### **House Concurrent Resolution 14**

House Concurrent Resolution 14, sponsored by Senator Zakas:

A CONCURRENT RESOLUTION honoring David Scott Tidmarsh.

*Whereas, The National Spelling Bee was started by the Louisville Courier-Journal in Kentucky in 1925 with the hope that the contest would stimulate "general interest among pupils in a dull subject";*

*Whereas, The E.W. Scripps Company took over the National Spelling Bee in 1941;*

*Whereas, Today the purpose of the National Spelling Bee is to "help students improve their spelling, increase their vocabularies, learn concepts, and develop correct English usage that will help them all their lives";*

*Whereas, The finals for the National Spelling Bee are held in May, but the Bee starts months before with competitions at school, local, and regional events;*

*Whereas, Ultimately about 250 spellers from across the country go to Washington, D.C., for the national finals;*

*Whereas, At the time of the national finals, all contestants must be less than 16 years of age and not have graduated from the*

*eighth grade;*

*Whereas, Fourteen-year-old South Bend resident David Scott Tidmarsh bested a field of 265 spellers to become the 2004 National Spelling Bee champion;*

*Whereas, David won the competition by spelling autochthonous in the fifteenth round;*

*Whereas, An eighth-grader at Edison Intermediate Center, David is now a member of a very exclusive group; he is one of 77 people in the history of the National Spelling Bee to be declared the best speller in the nation; and*

*Whereas, Hard work and dedication to a goal helped this amazing young man become the best speller in the nation: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly congratulate David Scott Tidmarsh on his accomplishment and wish him continued success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David Scott Tidmarsh, his parents, the principal of Edison Intermediate Center, and the superintendent of the school corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

### **SENATE BILLS ON SECOND READING**

#### **Senate Bill 171**

Senator Lawson called up Senate Bill 171 for second reading. The bill was read a second time by title.

#### **SENATE MOTION (Amendment 171-1)**

Madam President: I move that Senate Bill 171 be amended to read as follows:

Page 2, line 8, delete "For" and insert "**Except as provided in subsection (d), for**".

Page 2, between lines 15 and 16, begin a new paragraph and insert:

**"(d) The creditor may deduct from the proceeds of the transfer of the personal property any direct, out-of-pocket expenses that the creditor incurs for the repossession, maintenance, and disposition of the personal property described in this section before paying the delinquent personal property taxes to the county treasurer. In order to deduct these expenses, the creditor must provide documentation supporting the direct, out-of-pocket expenses to the county treasurer with the payment for the delinquent personal property taxes."**



(Reference is to SB 171 as printed February 4, 2005.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

#### **Senate Bill 607**

Senator Meeks called up Senate Bill 607 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 88**

Senator Bray called up Senate Bill 88 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 638**

Senator Ford called up Senate Bill 638 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 296**

Senator Meeks called up Senate Bill 296 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 18**

Senator Lawson called up Senate Bill 18 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 527**

Senator Jackman called up Senate Bill 527 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 480**

Senator Landske called up Senate Bill 480 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 481**

Senator Lawson called up Senate Bill 481 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 481-1)

Madam President: I move that Senate Bill 481 be amended to read as follows:

Page 2, line 11, delete "Before July 1, 2005, the" and insert "**The**".

Page 2, line 23, delete "before July 1, 2005,".

(Reference is to SB 481 as printed February 11, 2005.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

#### **Senate Bill 465**

Senator Steele called up Senate Bill 465 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 379**

Senator Weatherwax called up Senate Bill 379 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 381, which is eligible for third reading, be returned to second reading for purposes of amendment.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 626, which is eligible for third reading, be returned to second reading for purposes of amendment.

CLARK

Motion prevailed.

Senator Garton yielded the gavel to Senator Merritt.

### **ENGROSSED SENATE BILLS ON THIRD READING**

#### **Engrossed Senate Bill 94**

Senator Lewis called up Engrossed Senate Bill 94 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 117: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel, Davis, and Bischoff.

#### **Engrossed Senate Bill 121**

Senator Paul called up Engrossed Senate Bill 121 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 118: yeas 21, nays 26. The bill was declared defeated.

**Engrossed Senate Bill 266**

Senator Jackman called up Engrossed Senate Bill 266 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Bischoff.

**Engrossed Senate Bill 499**

Senator Lawson called up Engrossed Senate Bill 499 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson and Thomas.

**Engrossed Senate Bill 564**

Senator Clark called up Engrossed Senate Bill 564 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 121: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Torr.

**Engrossed Senate Bill 611**

Senator Harrison called up Engrossed Senate Bill 611 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House

sponsor: Representative Buell.

**RESOLUTIONS ON SECOND READING****Senate Concurrent Resolution 11**

Senator Kruse called up Senate Concurrent Resolution 11 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pond and Ripley.

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 12 and 14 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**SENATE MOTION**

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 94.

LEWIS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 572.

SIMPSON

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Broden and Mishler be added as cosponsors of House Concurrent Resolution 14.

ZAKAS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Lewis be added as coauthor of Senate Resolution 13.

MEEKS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 139.

MEEKS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Sipes, Skinner, and

Mishler be added as coauthors of Senate Bill 481.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 296.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Breaux, Gard, and Riegsecker be added as coauthors of Senate Bill 481.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 59 and that Senator Paul be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 538.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Concurrent Resolution 11.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 487.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 88.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1673.

FORD

Motion prevailed.

SENATE MOTION

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 516, which is eligible for second reading, has been reassigned to the Committee on Appropriations.

GARTON

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 15, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 3:14 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate